



CLERK, U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS

ENTERED

THE DATE OF ENTRY IS ON
THE COURT'S DOCKET

The following constitutes the ruling of the court and has the force and effect therein described.

Signed February 15, 2023

United States Bankruptcy Judge

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

In re:	§	
	§	
EFO Holdings, L.P.,	§	Case No. 12-37936-swe-7
	§	
Debtor.	§	

Scott M. Seidel, the chapter 7 Trustee, <i>et al.</i> ,	§	
	§	
Plaintiffs	§	
	§	
vs.	§	Adversary No. 21-03043-swe
	§	
William Esping, <i>et al.</i> ,	§	
	§	
Defendants.	§	

AMENDED SCHEDULING ORDER

Anticipated Length of Bench Trial: 9 Days

- | | | |
|-----|---|---|
| 1. | Rule 26(a)(1) Disclosures | <u>Waived</u> |
| 2. | Adding Parties and Amending Pleadings, Counterclaims, Crossclaims by Defendants | <u>With Defendants' Answer</u> |
| 3. | For those not already bound by Docket #189, All Motions objecting to Jurisdiction, Due Process, <i>Stern</i> , or Trial before Bankruptcy Ct. | <u>Monday, April 3, 2023</u> |
| 4. | Service of Fact Discovery | <u>Monday July 10, 2023</u> |
| 5. | Expert Disclosures for Party with the Burden of Proof | <u>Monday, August 28, 2023</u> |
| 6. | Completion of Fact Discovery (Including Production of Responsive Documents) | <u>Monday September 11, 2023</u> |
| 7. | Expert Reports in rebuttal | <u>Friday, September 15, 2023</u> |
| 8. | Completion of Expert Discovery | <u>Monday, October 2, 2023</u> |
| 9. | Summary Judgment Motions and <i>Daubert</i> motions no later than | <u>Tuesday, October 3, 2023</u> |
| 10. | Witness and Exhibit Lists, including agreed admissible exhibits: | <u>Monday, November 13, 2023</u> |
| 11. | Rule 26(a)(3) Joint Pretrial Order, Proposed Findings of Fact and Conclusions of Law, any written evidentiary motions or under Rule 9018 | <u>Monday, November 13, 2023</u> |
| 12. | Trial Docket Call
(Webex instructions attached) | <u>Monday, November 20, 2023,
9:30 a.m. (central)</u> |
| 13. | Trial (9 days) | |
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END OF ORDER

WebEx Hearing Instructions

Judge Scott W. Everett

Pursuant to General Order 2020-14 issued by the Court on May 20, 2020, all hearings before Judge Scott W. Everett are currently being conducted by WebEx videoconference unless ordered otherwise.

For WebEx Video Participation/Attendance:

Link: <https://us-courts.webex.com/meet/everett>

For WebEx Telephonic Only Participation/Attendance:

Dial-In: 1-650-479-3207; Access code: 476 420 189

Participation/Attendance Requirements:

- Counsel and other parties in interest who plan to actively participate in the hearing are encouraged to attend the hearing in the WebEx video mode using the WebEx video link above. Counsel and other parties in interest who will not be seeking to introduce any evidence at the hearing and who wish to attend the hearing in a telephonic only mode may attend the hearing in the WebEx telephonic-only mode using the WebEx dial-in and access code above.
- Attendees should join the WebEx hearing at least 10 minutes prior to the hearing start time. Please be advised that a hearing may already be in progress. During hearings, participants are required to keep their lines on mute at all times that they are not addressing the Court or otherwise actively participating in the hearing. The Court reserves the right to disconnect or place on permanent mute any attendee that causes any disruption to the proceedings. For general information and tips with respect to WebEx participation and attendance, please see Clerk's Notice 20-04: https://www.txnb.uscourts.gov/sites/txnb/files/hearings/Webex%20Information%20and%20Tips_0.pdf
- **Witnesses are required to attend the hearing in the WebEx video mode, and live testimony will only be accepted from witnesses who have the WebEx video function activated.** Telephonic testimony without accompanying video will not be accepted by the Court. The Court may consider special requests for other appearance options on a case-by case-basis.
- All WebEx hearing attendees are required to comply with Judge Everett's Telephonic and Videoconference Hearing Policy (included within Judge Everett's Judge-Specific Guidelines): <https://www.txnb.uscourts.gov/judges-info/hearing-dates/judge-everetts-hearing-dates> .

Exhibit Requirements:

- Any party intending to introduce documentary evidence at the hearing must file an exhibit list in the case with a true and correct copy of each designated exhibit filed as a separate, individual attachment thereto so that the Court and all participants have ready access to all designated exhibits.
- **NOTE: The Court requests one copy of the exhibits be delivered to the Court in electronic format (USB/thumb drive) prior to the hearing** by the date that they would normally be exchanged pursuant to our local rules. Please deliver to: **US Bankruptcy Court, ATTN: Stephen Manz, 1100 Commerce Street, Room 1254, Dallas, TX 75242.**

Notice of Hearing Content and Filing Requirements:

IMPORTANT: For all hearings that will be conducted by WebEx only:

- The Notice of Hearing filed in the case and served on parties in interest must: (1) provide notice that the hearing will be conducted by WebEx videoconference only, (2) provide notice of the above WebEx video participation/attendance link, and (3) attach a copy of these WebEx Hearing Instructions or provide notice that they may be obtained from Judge Everett's hearing/calendar site: <https://www.txnb.uscourts.gov/judges-info/hearing-dates/judge-everetts-hearing-dates> .
- When electronically filing the Notice of Hearing via CM/ECF select "at https://us-courts.webex.com/meet/everett" as the location of the hearing (note: this option appears immediately after the first set of Wichita Falls locations). Do not select Judge Everett's Dallas courtroom as the

location for the hearing.

CONNECTION INSTRUCTIONS FOR PARTICIPATING IN A WEBEX VIRTUAL HEARING

The court will allow participation in a virtual hearing using either of the following two methods. Please connect at least 10 minutes prior to the hearing time. It is recommended that attorneys discuss the logistics of the WebEx appearance with their clients/witnesses at least 48 hours before the hearing.

Option 1: Using the WebEx app on your smartphone, tablet, laptop, or desktop.

Please connect using only one device. Using two or more devices may cause audio feedback issues.

If using a phone or tablet for video, it should be set in a stationary position. Holding a phone or tablet in your hand while speaking does not yield a good video for the court.

NOTE: If you are experiencing audio issues when using the WebEx application, you may use the “Call Me At” selection under “Audio Connection” to move just the audio portion of the WebEx conference to your telephone.

Option 2: Call in via phone (audio only).

Webex dial-in number: 1-650-479-3207 (access code: 476 420 189).

HELPFUL HINTS AND ETIQUETTE

- Please use the mute function when you are not speaking. Please be aware that sometimes the court mutes everyone when there is background noise. When you want to speak, make sure you are not on mute. Call-in users should dial *6 to unmute your line.
- Remember to state your name for the record each time before speaking and speak slowly and clearly so the Court can get a good record.
- Use headphones whenever possible, especially if using a desktop PC with external speakers. We have found that newer iPhones provide the best visual and audio feed – better than most desktop computers. If you are on a personal computer, headphones or earbuds are required for those who need to speak during the hearing.
- During examination, attorneys and witnesses should use a separate camera and microphone when possible. To avoid feedback, parties using separate devices must not be in the same room. The Court may consider special requests on a case-by-case basis.
- WebEx participants may use the "share" button to easily share their screen or document with the Court or other WebEx participants. Press “stop sharing” to remove the presentation from the meeting.
- When making an appearance from a vehicle, please park in a safe location with windows rolled up (to minimize background distraction and noise) and use a headset that is ear-to-phone (not the vehicle’s hands-free speaker-phone option).
- Suggestions for participating in a WebEx hearing from home: If you are having connectivity problems, turn off devices that may be using bandwidth on your home network. Devices or applications such as Facetime, Roku, streaming media players, video games, or large downloads can negatively impact the audio and video quality of the WebEx meeting.
- Participants are reminded that they should wear attire suitable for court.
- Participants who wish to test their WebEx connection or the share screen functionality in advance of the hearing may arrange a “practice run” by contacting the courtroom deputy.

EXHIBITS AND DEMONSTRATIVE AIDS

Exhibits should be filed ahead of time by the date that they would normally be exchanged pursuant to our

Demonstrative aids and Power Points should also be filed prior to the hearing, if possible. If not, WebEx has the ability to allow you to share your screen, or a particular document, with everyone in the hearing. If these documents are admitted as exhibits, they would then have to be filed after the hearing.

- During the hearing, lawyers can refer to (and offer) their exhibits by referencing the exhibit's docket number for the court and all to access. After the hearing, the court will create a Minute Entry reflecting which exhibits were admitted. You should consider emailing exhibits to witnesses ahead of time since they may not have access to PACER.
- **NOTE: The Court requests one copy of the exhibits be delivered to the Court in electronic format (USB/thumb drive) prior to the hearing by the date that they would normally be exchanged pursuant to our local rules. Please deliver to: US Bankruptcy Court, ATTN: Stephen Manz, 1100 Commerce Street, Room 1254, Dallas, TX 75242.**